



General Assembly

Substitute Bill No. 347

February Session, 2010

* _____SB00347VA_GAE031110_____*

**AN ACT CONCERNING CONTRACTUAL BIDDING PREFERENCES
FOR VETERAN-OWNED BUSINESSES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 4a-59 of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2010*):

4 (c) All open market orders or contracts shall be awarded to (1) the
5 lowest responsible qualified bidder, the qualities of the articles to be
6 supplied, their conformity with the specifications, their suitability to
7 the requirements of the state government and the delivery terms being
8 taken into consideration and, at the discretion of the Commissioner of
9 Administrative Services, life-cycle costs and trade-in or resale value of
10 the articles may be considered where it appears to be in the best
11 interest of the state, (2) the highest scoring bidder in a multiple criteria
12 bid, in accordance with the criteria set forth in the bid solicitation for
13 the contract, or (3) the proposer whose proposal is deemed by the
14 awarding authority to be the most advantageous to the state, in
15 accordance with the criteria set forth in the request for proposals,
16 including price and evaluation factors. Notwithstanding any provision
17 of the general statutes to the contrary, each state agency awarding a
18 contract through competitive negotiation shall include price as an
19 explicit factor in the criteria in the request for proposals and for the

20 contract award. In considering past performance of a bidder for the
21 purpose of determining the "lowest responsible qualified bidder" or
22 the "highest scoring bidder in a multiple criteria bid", the
23 commissioner shall evaluate the skill, ability and integrity of the
24 bidder in terms of the bidder's fulfillment of past contract obligations
25 and the bidder's experience or lack of experience in delivering
26 supplies, materials, equipment or contractual services of the size or
27 amount for which bids have been solicited. In determining the lowest
28 responsible qualified bidder for the purposes of this section, the
29 commissioner may give a price preference of up to ten per cent for (A)
30 the purchase of goods made with recycled materials or the purchase of
31 recyclable or remanufactured products if the commissioner determines
32 that such preference would promote recycling or remanufacturing. As
33 used in this subsection, "recyclable" means able to be collected,
34 separated or otherwise recovered from the solid waste stream for
35 reuse, or for use in the manufacture or assembly of another package or
36 product, by means of a recycling program which is reasonably
37 available to at least seventy-five per cent of the state's population,
38 "remanufactured" means restored to its original function and thereby
39 diverted from the solid waste stream by retaining the bulk of
40 components that have been used at least once and by replacing
41 consumable components and "remanufacturing" means any process by
42 which a product is remanufactured; (B) the purchase of motor vehicles
43 powered by a clean alternative fuel; (C) the purchase of motor vehicles
44 powered by fuel other than a clean alternative fuel and conversion
45 equipment to convert such motor vehicles allowing the vehicles to be
46 powered by either the exclusive use of clean alternative fuel or dual
47 use of a clean alternative fuel and a fuel other than a clean alternative
48 fuel. As used in this subsection, "clean alternative fuel" shall mean
49 natural gas or electricity when used as a motor vehicle fuel; [or] (D) the
50 purchase of goods or services from micro businesses. As used in this
51 subsection, "micro business" means a business with gross revenues not
52 exceeding three million dollars in the most recently completed fiscal
53 year; or (E) the purchase of goods or services from a veteran-owned
54 business. As used in this subsection, "veteran-owned business" means

55 any business of which at least fifty-one per cent of the ownership is
56 held by a veteran or veterans, as defined in subsection (a) of section 27-
57 103. All other factors being equal, preference shall be given to supplies,
58 materials and equipment produced, assembled or manufactured in the
59 state and services originating and provided in the state. If any such
60 bidder refuses to accept, within ten days, a contract awarded to such
61 bidder, such contract may be awarded to the next lowest responsible
62 qualified bidder or the next highest scoring bidder in a multiple
63 criteria bid, whichever is applicable, and so on until such contract is
64 awarded and accepted. If any such proposer refuses to accept, within
65 ten days, a contract awarded to such proposer, such contract shall be
66 awarded to the next most advantageous proposer, and so on until the
67 contract is awarded and accepted. There shall be a written evaluation
68 made of each bid. This evaluation shall identify the vendors and their
69 respective costs and prices, document the reason why any vendor is
70 deemed to be nonresponsive and recommend a vendor for award. A
71 contract valued at one million dollars or more shall be awarded to a
72 bidder other than the lowest responsible qualified bidder or the
73 highest scoring bidder in a multiple criteria bid, whichever is
74 applicable, only with written approval signed by the Commissioner of
75 Administrative Services and by the Comptroller. The commissioner
76 shall submit to the joint standing committee of the General Assembly
77 having cognizance of matters relating to government administration,
78 the State Auditors and the Comptroller, an annual report of all awards
79 made pursuant to the provisions of this section.

80 Sec. 2. Subsection (a) of section 4b-100 of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective*
82 *October 1, 2010*):

83 (a) The Commissioner of Public Works shall adopt regulations, in
84 accordance with chapter 54, to implement the provisions of sections
85 4b-91 to 4b-100, inclusive, as amended by this act. Such regulations
86 shall include (1) objective criteria for evaluating the qualifications of
87 bidders, (2) objective criteria for evaluating proposals, [and] (3) the
88 procedures for evaluating bids after the prequalification status of the

89 bidder has been verified, and (4) a requirement in such bid evaluation
90 procedures that, all other factors being equal, a preference shall be
91 given to a veteran-owned business, as defined in subsection (c) of
92 section 4a-59, as amended by this act.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2010 | 4a-59(c) |
| Sec. 2 | October 1, 2010 | 4b-100(a) |

VA

Joint Favorable Subst. C/R

GAE